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jured while alighting or immediately thereafter, according to her evidence, and whether it failed in the performance of this duty. There is a conflict of authority as to the obligation of the street railway after a passenger has left the car, the courts of Alabama and Kentucky holding that it must provide a reasonably safe place and way (*Montgomery v. Street Railway*, 133 Ala. 529, 32 South. 261; *Louisville R. Co. v. Mitchell*, 138 Ky. 190, 127 S. W. 770), and others that, as the company has no stations and no control over the streets, its obligation should be coextensive with its control, and that the relation of carrier and passenger ceases when the passenger has safely alighted. *Clark's Accident Law*, 13; *Creamer v. Railroad*, 156 Mass. 321, 31 N. E. 391, 16 L. R. A. 490, 32 Am. St. Rep. 456; *Street Railroad v. Boddy*, 105 Tenn. 669, 58 S. W. 646; *Schley v. Railroad*, 227 Pa. 494, 76 Atl. 207, 136 Am. St. Rep. 906, 19 Ann. Cas. 1020, and note; *Stewart v. Railroad*, 88 Neb. 209, 129 N. W. 440, Ann. Cas. 1912B, 863, and note.

"The weight of authority seems to be with the latter view, and also that in any event the railway must exercise the highest degree of care, and must afford the passenger an opportunity to alight in safety. The court says in *Anderson v. Street Railroad Co.*, 12 Ind. App. 197, 38 N. E. 1109: 'There is a marked difference between the duties the law imposes upon those who operate street railways and those who operate ordinary steam railways. The latter usually run upon scheduled time and have fixed places for receiving and discharging passengers. There is a higher degree of care imposed upon street railways than upon ordinary steam railways. When their cars stop for passengers to alight it is the duty of their servants to stop long enough for the passengers to alight, and to see that the car does not start again while any one is attempting to alight or exposed to danger.'"

Trade-Names—Property Rights in Name.—In *Hilton v. Hilton*, 104 Atl. 375, it was held by the Court of Errors and Appeals of New Jersey, that the right of a man to use his own name in his own business is part of the natural and inalienable rights guaranteed by the Constitution, without which the right to acquire, possess and protect property would be of little worth. Even in a case of unfair competition the courts go no further than to restrain the use of a name except when so marked as to distinguish it from a competitor, and this exception amounts to allowing the wrongdoer to continue the use of his own name when it is so marked.

The court said: "The right of a man to use his own name in his own business is part of the natural and inalienable rights guaranteed by the very first clause of our Constitution, without which the right to acquire, possess, and protect property would be of little worth.

Although the right is not safeguarded in England by any constitutional guaranty, it has found careful protection in the courts of justice. Of the numerous cases of unfair competition and fraud to be found in the reports, we doubt if a single case can be found where as broad an injunction as the present has been granted in a case of unfair or fraudulent trade, where, as here, there has been no contract or covenant restraining a man's business activities. Even in the Rogers case (71 N. J. Eq. 560, 63 Atl. 977) the injunction only went so far as to restrain the defendant from using his own name unless he stamped upon the goods the words, 'not the original Rogers,' or 'not connected with the original Rogers.' This exception, of course, amounted to allowing the defendant in that case, notwithstanding his previous fraudulent conduct, to continue the use of his own name if he would brand the goods as stated.

"At least three reasons have moved the court to this limitation of the restraint upon a man's use of his own name: First, the constitutional rights already stated; second, the public interest in having all citizens free to labor in the vocation to which they have been trained, with which they are familiar, or to which they are adapted—a consideration which has led the courts so often to declare even contracts void as in restraint of trade—third, the fact that the remedy by injunction is a protective remedy, intended to protect the complainant in his property rights, not a punitive remedy, intended to punish the defendant for his wrongdoing. In this present case there is a fourth reason. The parties, when they dissolved partnership, put their agreement in writing, and that writing measures their rights and obligations. At that time under such an agreement as they made, the defendant had the right, as had been recently decided by this court in *Snyder Pasteurized Milk Co. v. Burton*, 80 N. J. Eq. 185, 83 Atl. 907, to engage in a competing business. The complainant must be assumed to know the law and to have known that such was the effect of the agreement. He was, moreover, advised by competent counsel. In this situation we can not do otherwise than hold that the parties contemplated that the defendant might use his own name in the clothing business. He must, of course, refrain from representing his business to be that of the complainant, and from palming off his goods as the goods of the complainant. The present injunction in its full scope can not be sustained because of defendant's unfair trading. Apparently an injunction exactly in accord with the prayer of this bill would suffice for the complainant's protection."